

WASHINGTON. D.C. – House Committee on Oversight and Government Reform Ranking Member Darrell Issa (R-CA) and Information Policy, Census and National Archives Subcommittee Ranking Member Patrick McHenry (R-NC) expressed significant opposition to the Obama Administration's reported plan to politicize the nonpartisan census process.

"Any attempt by the Obama Administration to circumvent the census process for their political benefit will be met with fierce opposition as this ill-conceived proposal undermines a constitutionally obligated process that speaks to the very heart of our democracy," said Issa. "President Obama's calls for bipartisanship are severely damaged when reports indicate they're maneuvering to stab Republicans in the back through a national gerrymander orchestrated directly by the White House."

Congressional Quarterly reported earlier today that "The director of the Census Bureau will report directly to the White House and not the secretary of Commerce, according to a senior White House official. The decision came after black and Hispanic leaders raised questions about Commerce Secretary nominee Judd Gregg's commitment to funding the census."

The *Politico* is reporting that “sources on the Hill close to these negotiations say the Census would, more or less by default, would fall under the jurisdiction of Chief of Staff Rahm Emanuel...how would it sit with Republicans to have the former head of the Democratic Congressional Campaign Committee exert control over the bureau that provides data used in redistricting?”

“This announcement comes as unwelcome news to anyone hoping for a full and accurate census,” McHenry said. “With Mr. Emanuel calling the shots, the administration is telegraphing its intention to play partisan politics with the census. I urge the President to honor his commitment to post-partisanship and reconsider this blatantly partisan move.”

Issa and McHenry today sent a letter to President Obama highlighting his concern with the possible politicization of the census process and questioned its legality. “Moreover, requiring the Census Director to report directly to the White House and placing responsibility for administration of the Bureau outside the Department of Commerce may even violate Federal law. According to Title 13 of the U.S. Code, the Bureau is to be administered “within, and under the jurisdiction of, the Department of Commerce.” According to U.S. Code, the Executive Branch is limited to providing support for the Bureau in the form of information and resources.

Under Title 13, the Secretary of the Department of Commerce may interact with the Executive Branch, and the entirety of the federal government “for information pertinent to the work” of the Bureau.”

Text of Letter:

Dear Mr. President,

The House Committee on Oversight and Government Reform has direct legislative jurisdiction and oversight over the Census, and as such we are shocked and dismayed at this morning's press reports of the blatant partisan and political maneuvers your Administration is currently undertaking with regards to the Census Bureau. [\[1\]](#) Requiring the Census Director to report directly to the White House and circumventing the Secretary of Commerce is both outrageous

and unprecedented.

Requiring the Census Director to report directly to White House Chief of Staff Rahm Emanuel is a shamefully transparent attempt by your Administration to politicize the Census Bureau and manipulate the 2010 Census. ^[2] The Constitutionally-mandated Decennial Census needs to be fair, accurate and trusted. By circumventing the Secretary of Commerce's oversight of the Census Bureau and handing it directly to a political operative such as Mr. Emanuel, you are severely jeopardizing the fairness and accuracy of the 2010 Census. Mr. Emanuel, who is a former colleague and Democratic Congressional Campaign Committee Chairman, has a reputation that has been described as "one of hyper-partisanship,"

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and thus has no business overseeing the activities of the Census Bureau, a division of the Commerce Department that needs to remain free and clear of any and all political considerations.

Moreover, requiring the Census Director to report directly to the White House and placing responsibility for administration of the Bureau outside the Department of Commerce may even violate Federal law. According to Title 13 of the U.S. Code, the Bureau is to be administered "within, and under the jurisdiction of, the Department of Commerce." ^[4] According to U.S. Code, the Executive Branch is limited to providing support for the Bureau in the form of information and resources. Under Title 13, the Secretary of the Department of Commerce may interact with the Executive Branch, and the entirety of the federal government "for information pertinent to the work" of the Bureau.

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As you know, the Decennial Census is not only Constitutionally-mandated; the results of it are utilized in the allocation of federal funding and the apportionment of seats in the U.S. House of Representatives. As such, the Census process needs to be completely free of political manipulation and interference, in order to produce fair, accurate and trustworthy results. This will be impossible if you follow through with proposed plans to outrageously and without precedence circumvent the Secretary of Commerce and place direct oversight of the Census Bureau in the hands of the hyper-partisan White House Chief of Staff. This decision will also jeopardize Census Program funding and trigger unanimous opposition to your next Census Director out of fear that a respectable Federal agency is being politicized. For these reasons we respectfully request that you not follow through with a course of action that will shamefully politicize the operations of the Census Bureau and jeopardize the fairness and accuracy of the 2010 Census.

Click [here](#) to link to the story posted by *Congressional Quarterly*

Click [here](#) to link to the story posted by the *Politico*

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[1] "The director of the Census Bureau will report directly to the White House and not the secretary of Commerce, according to a senior White House official." *CQ Today*, 2/5/09

[2] "Sources on the Hill close to these negotiations say the Census would, more or less by default, would fall under the jurisdiction of Chief of Staff Rahm Emanuel." *Politico*, 2/5/09

[3] *The Baltimore Sun*, Editorial, 11/12/08

[4] 13 U.S.C. 1 § 2 ("The Bureau is continued as an agency within, and under the jurisdiction of, the Department of Commerce").

[5] 13 U.S.C. 1 § 6(a) ("The Secretary, whenever he considers it advisable, may call upon any other department, agency, or establishment of the Federal Government, or of the government of the District of Columbia, for information pertinent to the work provided for in this title.")
